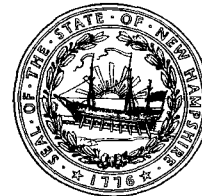




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 28, 2006

Mr. Eric Krueger
Facilities Superintendent
City of Manchester
Department of Highways – Facilities Division
275 Clay Street
Manchester, New Hampshire 03103-5613

**CERTIFIED MAIL (7005 1160 0004 7467 6925)
RETURN-RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION
(Sta.S)**

**RE: Manchester SAU #37 - Central High School – 201 Lowell Street
Memorial High School – 1 Crusader Way
West High School – 9 Notre Dame Avenue**

Dear Mr. Kruger:

The New Hampshire Department of Environmental Services, Air Resources Division (“DES”) conducted a compliance inspection at Central High School (“Central”) located at 201 Lowell Street, Manchester, New Hampshire on December 27, 2005. The purpose of the inspection was to determine Central’s compliance status with the N.H. Administrative Rules Env-A 100 *et seq.*, NH Rules Governing the Control of Air Pollution. In addition, DES received permit applications for boilers located at Central, Memorial, and West High Schools, also located in Manchester, on February 27, 2006. The purpose of this letter is to notify the City of Manchester of the violations discovered during the inspection and review of the permit applications. The specific violations are as follows:

Central High School

1. Condition III B. *Operating Conditions*, of State Permit to Operate FP-S-0152 (“the Permit”) limits the combined fuel consumption of both boilers at Central to 100,000 gallons of #2 fuel oil in any consecutive 12-month period. Central’s fuel use exceeded the 100,000 gallon fuel cap in calendar years 2003 and 2004 by 1,877 and 6,584 gallons, respectively.

2. As stated in item #1 above, the boilers at Central are permitted to use #2 fuel oil. In April 2005, DES received correspondence from the City of Manchester stating that the boilers were converted to natural gas. Env-A 612.04 *Significant Permit Amendment* requires the owner or operator of any permitted device(s) to submit an application for any proposed change to the physical structure or operation of the device which increases the amount of a specific air pollutant. Emissions of CO and VOCs from natural gas combustion are generally more than CO and VOC emissions from #2 fuel oil. The City of Manchester failed to apply for a permit amendment in accordance with Env-A 612.04 prior to converting the boilers to natural gas. On February 27, 2006, the City of Manchester submitted a permit renewal application for the two boilers requesting flexibility to use #2 fuel oil or natural gas.

3. Condition XI E. *Emission-Based Fee Requirements*, of the Permit, requires the City of Manchester to pay emission-based fees for calendar years 2003 and 2004 by October 15th of the following calendar year. The City of Manchester failed to pay emission fees for 2003 and 2004 until February 16, 2006.

Memorial High School

4. Env-A 603.01, *Permit Required*, requires a person to obtain a temporary permit prior to the construction or installation of a new or modified device specified in Env-A 607.01, *Specific Applicability for Temporary Permits*. Env-A 607.01 (a) requires the owner or operator of one or more fuel burning devices that combusts natural gas or #2 fuel oil with a design rating equal to or greater than 10 Million British thermal units (“MMBtus”) per hour to obtain a temporary permit. The City of Manchester failed to obtain a temporary permit prior to installing two new Cleaver Brooks boilers at Memorial in the fall of 2005 each having a design rating of 12.5 MMBtu/hr. A permit application for the new boilers was received by DES on February 27, 2006.

5. Env-A 503.01(e) and the Code of Federal Regulations (CFR), 40 CFR Part 60, Subpart Dc, *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units* requires the owner or operator of a boiler with a design rating of 10 MMBtu/hr or more that burns #2 fuel oil to submit an initial construction and startup notification and fuel certification reports on a semi-annual basis to DES and to USEPA Region I. Fuel certification reports are not required for devices combusting natural gas. The City of Manchester failed to provide initial construction and startup notification to DES and USEPA Region I when the boilers were installed and began operating in the fall of 2005. The City of Manchester also failed to provide fuel certification reports for calendar years 2004 and 2005 to DES and USEPA Region 1. On April 26, 2006, the City of Manchester provided the initial and startup notification to DES. On June 8, 2006, the City of Manchester provided the fuel certification reports to DES.

6. Condition XI E. *Emission-Based Fee Requirements* of State Permit to Operate FP-S-0153 requires the City of Manchester to pay emission-based fees for calendar years 2003 and 2004 by October 15th of the following calendar year. The City of Manchester failed to pay emission fees for 2003 and 2004 until February 16, 2006.

West High School

7. Env-A 612.04 *Significant Permit Amendment* requires the owner or operator of any permitted device(s) to submit an application for any proposed change to the physical structure or operation of the device which increases the amount of a specific air pollutant. Emissions of CO and VOC from natural gas combustion are generally more than CO and VOC emissions from combustion of #2 fuel oil. In April 2005, DES received correspondence from the City of Manchester indicating that the boilers at West were converted to natural gas. The City of Manchester, however, failed to apply for a significant permit amendment in accordance with Env-A 612.04 prior to converting the boilers to natural gas. The City of Manchester submitted a permit renewal application on February 27, 2006 requesting flexibility to use #2 fuel oil or natural gas.

8. Condition XI E. *Emission-Based Fee Requirements*, of State Permit to Operate FP-S-0154 requires the City of Manchester to pay emission-based fees for calendar years 2003 and 2004 by October 15th of the following calendar year. The City of Manchester failed to pay emission fees for 2003 and 2004 until February 16, 2006.

DES recognizes the efforts that the City of Manchester has taken to come into compliance. Accordingly, no further action in response to the listed violations is required.

DES requests that the City of Manchester comply with the NH Code of Admin. Rules and all obligations contained in any permit issued to the City of Manchester in the future. In the event that other violations are identified or if the City of Manchester fails to comply with all applicable requirements in the future, DES may take action against the City of Manchester, including issuing an administrative order, seeking administrative fines, and/or referring the matter to the NH Department of Justice.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Tara E. Olson at (603) 271- 4625, Air Resources Division, Compliance Bureau. A current copy of the Air Resources Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the DES Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/teo

cc: R. Kurowski, EPA Region 1
G. Hamel, DES Legal Unit Administrator
Frank Guinta, Mayor, City of Manchester
AFS #'s 3301191122; 3301191123; 3301191124